App F IX 4

Previous References

19 ~~49 50~~ (48)

File No 67/48

Serial Nos 93 96

Later References

Ml Dep. No. 531/50

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3

I 79 (E)

Part B for Oct 1949

SUBJECT

K S Subbarayappa, ~~Secretary~~, appealing against the orders of the President Town Municipal Council, Chinnamanur cancelling the Sale of Site No 28 Purchased by him in the ~~last~~ Auction Sale held on 1 4 49

To,

The Deputy Commissioner, Kolar Dist.

G O L 2422/2 1 10 49

Issues the instructions in the Matter

5502 - 5505

Appeal Petn dy 26-1-49 from Sri K S Subbarayappa, son of K S Swaramiah, Chintamani Town, appealing against the orders of the DLC of the said one el, cancelling the sale of site no 28 purchased by him in the auction sale held on 10-1-49.

1) Minutes of the Minister for L S Gr on the Petn

"Received at 3 30 P M
Please call for a report from the D C Kolar at once immediately"

(Sd) R C
26/1/49

Petn dy 26-1-49 from the above gentleman praying for a stay order in the case

2) Minutes of the Minister for L S G on the Petn

"Received in person through a counsel at 3 30 P M Issue a stay order immediately pending final decision

(Sd) R C
26/1/49

3) Submit w the a draft letter for appl

27/1/49

4) Issue above
27/1/49

5505 L - √5994 √6284 L

To The Dy Commr, Kolar Dt
RO L 8552 dt 27-1-49

Calls for a report and states that pending the receipt of final orders in the matter, further proceedings may be stayed

To The Ddt, Town mcl, Chintamani
RO L 8553 dt 27-1-49

Sds a copy of the above for information and guidance

To Sri K S Subbarayappa
Chintamani
RO L 8554 dt 27-1-49

Informs him that stay orders have been issued in the matter

Letter RO A5 LB 1147/48-49 dt 14-2-49 from the Dy Commr, Kolar Dt, forwarding a report in the matter.

SusA 28/1 Lra 21/49

5) The report received from the Ddt Town mcl, Chintamani by the Dy Commr, Kolar Dt is submitted for perusal with reference to Para 1 supra

"K"

6) In the penultimate para of the report the Ddt, Chintamani Town mcl has stated that all the grounds of objection are untenable.

Ulb 2/2

5505/5994/1284 ✓ 6555
Ref

7) In his detailed report the President of the Chintamani Munl Council, has answered point by point, the arguments advanced in the petition and the report as to personal

8) The President as well as the Town Munl Council have taken the view that the non crediting of the sale amount in time by the purchaser is a deliberate flouting of the authority of the council and the Munl Council have also passed a resolution requesting the Govt to uphold its own decision in the matter

Pr 21-2-49

9) Please Mem accepting the notification curtailing the conditions of the sale of the said sites

Sd 22/2/49

10) Submit with a draft letter for appl

Ulls 22/2

11) Inspection 22/2/49

To The Dst,
Town mcl, Chintamani
No L 9823 dt 22-2-49

Sec A 22/2

Calls for a copy of the sale notification.
Letter No OC 127/48-49 dt 24-2-49 from the Dst Town mcl, Chintamani towarding a copy of the sale notfn

Ulls 4/3 12) Submit for orders. Reference is invited

4 6284 √6555 ref

condition no 2 of the sale note H C "C"

Pr 4 3 nc9

13) Flag M is the petition of Lee K & Lubbaya the appealing against the action of the chairman dismissed in having forfeited one fourth of the bid amount & in refusing to receive the balance of the bid amount tendered by him in respect of the sale of plot no 28 (13' x 25') measured by him in the auction held on 10/4/45 in Rs 457/-

14) Flag K is the report in detail on each of the grounds raised in the petition (Flag M), received from the Chairman Improvement Trust where he has answered each & every point raised in the petition & a resolution of the Board has been also passed on 31/1/45 to the effect that the contentions put forward by the petitioner are untenable, that the action of the Secretary in having forfeited one fourth of the bid amount as per conditions of the sale notification is correct & that the prestige of the Board may be upheld & that the stay order

May be vacated

15) According to condition no 3 of the sale notification, the highest bidder in auction should credit the balance of the bid amount within a week of the sale, failing which one-fourth of the earnest deposits paid by him will be forfeited to the KHB and the plot will be resold at the risk of the original bidder etc

16) This is a mandatory provision. Even the KHB has not reserved the power to waive this condition in cases of defaults thereof. There is no provision for the KHB to intervene on this behalf

17) In the circumstances, the action of the respondents may be upheld & the stay order vacated

In the circumstances, it is the order of the respondent KHB dt 4.8.11 be accepted, the stay order vacated & the application rejecting the petition restored to the file.

18) For orders and signature

7/3

7/3/49

19) The withdrawal of the municipal

Council, in the circumstances, may be

advised and the other 2 steps would

7/3/49

THE MINISTER OF
LOCAL SELF GOVERNMENT
No 4317
Date 7/3/1949

Minister 6/9/49

20) I want to have the party

for 23rd March 49 at 3-30 P.M.

11/3/49

11/3 11/3

21) Please notices also

12/3/49

22) Sealed with a draft notice for appl

15/3 15/3/49

23) Please [illegible]

15/3/49

6585
L

Sri K S Subbarayappa, Chintamani
No L 10280 Dt 15-3-49
Informs him that the case has been posted for hearing at 3 30 P M on 22-3-49

To Sri K Shamaraja Iyengar,
Advocate, Bangalore
No L The Dy Comm Kolar Dt
The Dist Town Insp, Chintamani
No L 10281-3 Dt 15-3-49
Forwards a copy of the above

24) The file will be sent to the P A to the Minister

KKB
17/3

25) Hon orders of the Minister, Please see the file
hearing DNo 6559/L The case is posted for hearing
at 3 P M on 4-4-49

26) Submit with a draft notice for appl

KKB
26/3

27) Issue above
Copy GRR
26/3/49

To K S Subbarayappa
L 11042 Dt 25-3-
States that the case has been posted on 4-4-49
To Sri K Shamaraja Iyengar
The Dy Comm Kolar Dt
The Dist, Town Insp, Chintamani
No L 11043 & 11044-5 Dt 25-3-49
Forwards a copy of the above

28) Submd The case has been Posted for hearing at 3 P M on 4-4-49

29) Dy appl, the file will be sent to the office of the Minister for R&Sg

UMS 29/3 P A to the Minister for L & Sg (illegible) for 29 3 49

30) Noted for the orders of the Minister for L-S G. Please see file bearing Dno 6555/L

31) The case is Posted for hearing on 16/4/49 at 3 P.M

32) Submd with a draft notice for appl

UMS 6/4 By 8 4 49

33) Issue

8/4/49

To Sri K-S Subbarayappa
Chintamani

No L 11547 Dt 7-4-49

Informs him that the case has been Posted for hearing at 3 P M on 16-4-49

To Sri K Shamaraja Iyengar,
The Dy Commr, Kolar Dt.
The Dist Town Hall, Chintamani

No L 11548 & 11549 & 11550 Dt 7-4-49

Forwards a copy of the above

34) Submd The file will be sent to the office of the Minister for L Sg

UMS 10/4 By 10 4 49

P A to the Minister for L Sg (illegible) for 11/4/49

35) 6511 / L 6555

For orders of the Minister for L Sg, Please see file bearing D no 6555/L The case is posted for hearing on 14-5-49

36) Submitted with a draft no objection for approval

21/4 Pp 21-4-49

37) Issue now

21/4/49

Posnk S Subbarayappa
Chintamani
No L 12323 dt 25-4-49
Intimation that the case has been
Posted for hearing at 3 30 PM on 14 5-49

To Sri K Shamarayadyengar,
Bangalore City
No L 12324 dt 25-4-49
Forwards a copy of the above for information

To The Dy Comm, Kolar Dt
The Dist Town Plg, Chintamani
No L 12325-6 dt 25-4-49
Forwards Copies of the above for information

38) Submitted the file will be sent to the office of the Minister for L S G

25/4

Pp A to the Minister for L S G 26/4/49

39) For further orders Please see file bearing D no 6555/L

Serial No

To Sri K S Subbarayappa
Chintamani

No L 13050 Dy 10-5-49
Informs him that the case will be taken up for hearing at 1P M on that day at 3 30 P M on 14-5 49

To Sri Krishnamaraja Iyengar
Advocate, Bangalore Cy
No L 13051 Dy 10-5-49
Forwards a copy of the above.

To The Dy Comm, Kolar &
The Pdt, Town Mcl Chintamani
No L 13052-3 Dy 10-5-49
Forwards Copies of the above and the case will be taken up for hearing at 1P M on 14-5 49

41) 42) The file will be sent to the Office of the Minister for L S G

10/5

P A to the Minister for L S G

10/5/49

43) At the request of the counsel for applicants, the case has been adjourned to 27th May 49 at 2-30 P M

Re 11/5/49

44) Submitted with a draft notice for appl

27/5 Re 23/5/49

45) Issue above

27/5/49

C rle Minister for Loc l Se f Government
No. S S 84
Date 23/5/49

NOTE—Contn Sheet

File No 11 — 6515/L — of 194 — General and Revenue Secretariat

Serial No

To Sri K S Subbaraya Setty
Kuntamani
RC £/13695 dt 23-5-49
Intimating that the case is posted for hearing at 2-30 PM on 27-5-49

To Sri K Shamaraja Iyengar
Advocate, Kanakapura
RC £/13611 dt 23-5-49
Intimating date of the above

To The Executive Officer
Kuntamani Municipality, Kuntamani
RC £ 13697-8 dt 23-5-49
Intimating date of the above

46) Submit the case is posted for hearing at 2 30 P M on 27-5-49

47) The file will be sent to the office of the Minister for L S G

24/5 Rec'd 24/5 P A to the Hon'ble Minister for L S G

48) The case has been adjourned to 15th June 49 at 3 P M

14/5/49

49) Issue notices accordingly

50) Submit with a draft notice to appellant

7/6 Rec'd 7/6/49

51) Issue accordingly

7/6

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 5786
Date 25/5/49

SECRETARY TO GOVT OF MYSORE
Date 6/6/49

6/6/61

6515
L

12

To Sri K S Subbarayappa,
Chintamani

No L/4250 Dt 8-6-49
Informs him that the case is posted for hearing at 3 P M on 15-6-49

To Sri K Shamaraya Iyengar, Bangalore
No L/4251 Dt 8-6-49
Forwards a copy of the above

To The Dy Comm, Kolar Dt
The Dist Commee, Chintamani
No L/4252-3 Dt 8-6-49
Forwards copies of the above

52) Submd The case is posted for hearing at 3 PM on 15-6-49 If applcn the file will be sent to the office of the Minister for L S Dt
UNS 10/6 Pr 10-6-49

P A to Mr [illegible] for Minister for L S Dt 11/6/49

53) The case is adjourned for further hearing to 11th July 49 at 3 P M Intimate parties

Dy 16/6/49

Pr 11/6/49

Minister's Secretariat 11 6 49

Office of the Minister for Local Self Government
S 924
No
Date 16/6/49

SECRETARY TO GOVT OF MYSORE
Dated 16/6/49

54) Submd with draft notification

UNS 20/6

55) Issue

Pr 20/6/49

10 6555/L

To Sri K S Subbaraya Setty
Chintamani
No L 14555 Dt 21-6-49
Information that the case has been posted for hearing at 3 P M on 11-7-49

To Sri K Shamaraya Iyengar
Advocate Bangalore
No L 14556 Dt 21-6-49
Forwarded copy of the above

To Sri A B Allanappa, B A, B L,
Advocate Bangalore city
No L 14557 Dt 21-6-49
Forwarded a copy of the above

To The Dy Commr Kolar Dt,
The Addl Govt Pleader, Chintamani
No L 14558-9 Dt 21-6-49
Forwarded a copy of the above

The case is posted for hearing at 3 P M on 11-7-49

57) If appd, the file will be sent to the Office of the Minister for L S G

22/6 P. 22 6 49

P A to the Minister for L S G

58) Heard the counsels for both the parties the case is posted for orders

11/7/49

59) Interim orders on the next page

P T O

Received on the 23rd day of JUNE 1949
in the Department of LOCAL SELF-GOVERNMENT
No 6273
Date 22/6/49

40)
The meaning date
may please be
intimated to the
postes together alone
PA 23/5/14
Asst Secy
(S & G) (W/C)

60) I heard both the learned counsels for petitioners & respondent

The points urged by the counsel for petitioners are (1) that, as one of the petitioners was not in the station on 17-1-14 which was the due date for payment of the balance of the bid amount they could not pay & offered the amount on 18th after a delay of one day but it was refused by the president on the ground that the due date as per the Act was over (2) that the president cancelled the sale held in favour of the petitioners on the very next day i.e. on 18th & fixed a date for resale & also issued a notice to the petitioners to that effect on the same day the act of the president the counsel for petitioners contends was not with in his powers as per the Town Municipalities Act Sec 38 (3) Even according to the Act, the president had no powers either to cancel or to approve of the sale but he could only report to the Municipal Council

The counsel for the respondent argued that the president was well within his powers in doing the above acts referred to by counsel for petitioners & that the action of the president was subsequently ratified by the Municipal Council & therefore the deposit of the petitioners must be forfeited & the sale cancelled

61) That the petitioners are defaulters is an undisputed fact as conceded by the petitioners themselves the plea put forth by the counsel for petitioners that one of the petitioners was not in the station at the time they could not pay on the due date is a lame excuse which cannot be accepted Nothing prevented the parties from paying the amount a few days in advance or employing some body for making the same payment on the due date The president was well within his limits in refusing the amount which was offered a day after the due date Sir I fail to understand the hurried decision taken by the president in cancelling the sale by himself on the very next day after the expiry of the date & issuing a notice to the parties stating that the sale of lots in question was cancelled & the same will be put for resale I am certain that the president was not competent to take up this stand without reference to the Municipal Council He should have merely reported the matter with his opinion to the Municipal Council for decision This is contrary to the conditions of the Act where in it is contemplated that only the Municipal

6273
C-S 8

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L

15

MLC that can either cancel or approve Subsequently the action of the President was ratified by the MLC I am sure that the President was not authorised by the MLC to decide things himself as he thought fit & get the same ratified by the MLC at a subsequent meeting when the President had taken a particular stand, the MLC had no other option but to ratify the action of the President whether willingly or otherwise It can be said that the MLC was at liberty to differ from the President even at that stage but at the same time it is possible to presume that the President would have persuaded the members to approve the action taken by him whether ~~wise~~ right or wrong I feel even the MLC had no powers either to approve or cancel as the bid amount exceeded Rs 1000/- under the provisions of the Town Mlg Act 1933 they should have simply supported the whole thing by means of a resolution of the MLC to Govt for final Orders Taking into consideration all aspect of the question the arguments advanced by both the counsels, the submissions or other wise of the parties concerned & the circumstances under which the delay of one day was caused, I am inclined to state that the whole procedure adopted by the President & the MLC is not quite constitutional Hence I condone the delay of ~~one day~~ in making the payment of the balance of the bid amount & set aside the decision of the MLC & confirm the sale in favour of the petitioners subject to the conditions that the petitioners shall pay the balance of the bid amount with interest at 6% till the date of full payment ~~with the~~ the petitioners also shall pay to the Mlg the cost ~~of the case~~ incurred for conducting this case within 15 days from the date of Govt order

* the delay of one day is due to the circumstances but not malafide, Rly

Rly
25/7/62

Rr
27/7/62

Office of the Minister for Local Self Government
No 6273
Date 22/6/62

Mr KMS
L
Draft 27/7/62

Draft w/s a draft letter for appl

27/7

MB
29/7 Rr 29/7/62

1 6571 V 6355 L ml 67-48 lk

63) The drafts (I & II) pertaining are for approval.
General Dept for 29 7 49

64) 2 30/7/49

65) Issue above for 1/8/49

ml 94) To The Dy Commr, Kolar Dt
No L 1442 Dy 2-8-49
Directing him to set aside the cancellation of the sale & to confirm the sale of the site in favour of the Petitioner subject to the condition that the Petitioner shall pay to the Mcp the balance of the bid amount with interest at 6% till the date of Payment & ~~also to pay~~ request him to direct the Petitioner to pay to the Mcp the cost incurred by it for conducting this case within 15 days from the date of the Govt order
To Mr Pdt, Town Mcpl, Chintamani L 1443 Dy 2/8/49
ml 95) To Sri K S Subbaraya Appa forwarding a copy of the above
Chintamani
No L 1444 Dy 2-8-49

Intimates the above

P T O

6555 of 1088

17) Petn Dy 7-8 49 from Sri K S Subbaraya Iyer Merchant, Chintamani, requesting that the Payment of interest on the balance of the bid amount may be ~~waived~~ charged for one day delay only & to fix the Cost Payable to the mesr in conducting this case.

66) Subt for Perusal

67) The Points urged in the Petition are as follows—

(1) To charge interest for the delay of one day only &

(2) To fix the Cost Payable to the mesr in Conducting this case

UKS 10/8 P. 10 & 49

68) Kind reference is invited to the orders of the Minister for Law on the previous page (dated 25.7.49) in the portion of the last sentence runs as follows

" x x x x x x x x x x

the petitioner shall pay the balance of the bid amount with interest at 6% till the date of full payment & the petitioner shall also pay to the Govt the Cost incurred for conducting the case within 15 days from the date of first ... "

(69) The above orders were Communicated to the petitioner 18

70) He next states that there was delay of only one day on his part in paying the balance of the bid amount & that when the money was sent it was not accepted by the Mfg. He request therefore that he may not be penalised by being charged interest for all the period up to the date of payment but for one day only He adds that in Case of delay of Govt on the Revenue side a lumpsum penalty is charged penalty for default in payment of the bid amount within the prescribed time

A His request for being charged interest at 6% on the Bid amount for only one day is for orders

71) His second request is that his Cost payable to the Mfg may

1088/

19 In connection with the conveyance of the case before the Court may be definitely fixed We point for consideration is whether the party should pay the entire cost including the cost of journeys of the Secretariat to appear before the Court daily during hearing of the cases Generally in all civil cases conducted in the High Court, the lawyers' fee at the rate of Rs 50 per day and the stamp fee charges etc are ordered to be paid as costs in a case definite intimation in this point will be obtained from the Law Dept the amount to be received thereon determined

B

72) A - Put before case for orders

Law Secy 10/8/49

SECRETARIAT TO GOVT OF INDIA * CENTRAL DEPARTMENTS * Date 16/8/49

73) A - A day's delay in the payment may be condoned

B - I think it but fair that the usual procedure adopted in the Civil Courts in paying compensation is followed in this case also The total amount that can be paid as compensation will be determined in consultation with the Law Secretariat and the said amount may be ordered to be paid to the Municipality as compensation

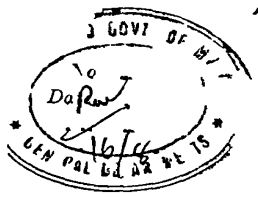
Minister 12/8/49 PTO 12/8/49 Law 10/8/49

Office of the Minister for Local Self Governments No 2827 Date 17/8/49

1088
L 1110
L

74) The condonation of the delay by one day has only prevented the resale of the sale which was auctioned in their names & confirmed in their favour but it does not excuse them from the payment of the interest for the amount which was not credited to the MK account. The question of their being defaulters has been decided. On account of their own fault, the money remained with them & it is but right that they should pay interest.

75) As regards the compensation to be paid to the MK, I agree as at B in the secretary's note this may be expedited.



TH(Alag)

2/16/8

16/8/49

76) In favour of opinion on the point referred to at para 73 above

Asstt Secy (Alag)
Law Deptt
16/8/49

77) A typed note is put up

1918

1110 Plan

Re payment of compensation to the Town Municipality, Chintamani

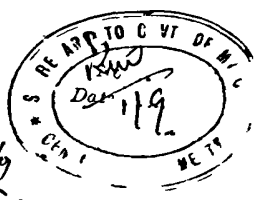
---

79 It is ordered that the usual procedure adopted in the Civil Courts in paying compensation may be followed in this case also

79) The provisions contained in Order XXI Rule 89 of the Code of Civil Procedure in the matter of payment of compensation by the judgment debtor in cases where sales are set aside do not appear to apply in this case In Court sales there are three parties (1) the decree-holder, (2) the judgment debtor, and (3) the purchaser The purchaser has to deposit the bid amount into the court and the judgment debtor while applying for setting aside the sale is required to deposit the decree amount together with 5% of the bid amount as compensation In cases where a re-sale takes place owing to the default of the purchaser in paying the bid amount in time he has to make good the loss

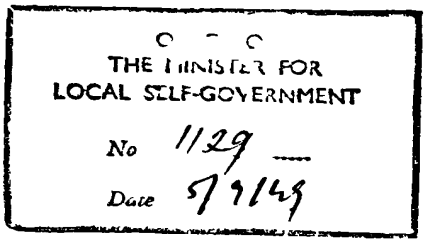
80) In this case there are only two parties, namely the bidder and the Municipality which conducted the sale No third person has purchased the property, i e , no re-sale has taken place In the circumstances, the above provisions of the C P C cannot conveniently be applied to this case The Administrative Secretariat itself may fix some suitable amount to be paid by Sri Subbarayappa to the Municipality, Chintamani Town as compensation

Law Secy) 81) 24/8
1885
Genl Secy 31/8 1/9
WC) 80
Supdt-PLBr 2/9/85
PL Bangalore 1/9/85



83) [illegible] reference
[illegible]
[illegible] 3/9/49

84) [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]



Minister d 5/9/49

85 May be worked up in the light of the observations I had with the Secy

5/9/49

12/9/49

86) Not Secy / To Shah

13/9/49

13/9/49

Letter no H C 15/49-50 dt 30-9-49 from the Pdt, Town mcl, Chintamani, reporting about the Payment of bad amounts in respect of site nos 28 & 29 by Smts K S Subbarayappa & K S Aswathanga.

87) The report received from the Pdt Town mcl

Payment of Compensation to the Chintamani Tumkur by the purchasers of the two Sites.
1088 2315

93

Chintamani is sent for perusal
The report has not been received through the Dy Comm, Kolar Dt, so as to enable Govt to know what the views of the D.C. are

94) From the statements enclosed, it is seen that the parties have paid only the balance of the bid amount and no payments made towards the interest & other charges

6/10 95) The President, Chintamani Tumkur has claimed the following amounts for the petitioners —

1) Sri K S Subbarayappa
Purchaser of Site no 28

	Rs
Cost at 6%	117-8-0
Law charges	27-8-0
Advertisement charges	20-8-0
T A charges	27-8-0
Total	192-8-0

2) Sri K S Aswathnarayana
Purchaser of site no 29
1111

	Rs
Cost at 6%	116-0-0
Law charges	27-8-0
Advertisement charges	20-8-0
T A charges	27-8-0
Total	191-0-0

96) The Secy of the Committee orders at page 6 interest at 6% has to stand in view of the Ministers orders at page 6 before. But the Govt [illegible]

23/5/42 Payment of Compensation

Turn M/l cl by the Secretary of the Tin Mines Ltd

is claimed to have stated "My

The parties agreed to pay the amount

order the record flag 2 please below Ans)

due by them - inevitably after the first orders were communicated to them but the President delayed receiving payment

Hence the parties should not be penalized for the delay on the part of the President The interest at 6% may therefore be calculated on the amount due as up to the date of the first, if affd and it would perhaps be the just course to be adopted This is for orders

1(A

JG/17

91) In regard to the payments of incidental charges, three items of Land charges, Advertisement charges & D-a charges are included amounting to Rs 7.5/- for each petitioner Without categorically insisting to demand, a lumpsum of Rs 5/- may perhaps be received from each of them and that might be considered sufficient, having regard to the heavy interest charges levied from them

B

say A & B above are for orders - Paras 85 to 91

Central Secretariat

11/10/49

GOVT OF MYSORE 5741 Date 12-10 GOVERNMENTS

Payment of compensation from Chintamani Municipal council by the petitioners
As per order at para 60, interest has to be recovered on the balance of the bid amount from the date it became due to the date of actual payment

(4) As regards other charges, the actual expenses incurred by the Municipal Council in conducting the case will have to be paid by the parties, since the Municipal Council should neither lose nor make profit over the item These charges will include advocate's fee & T.A. Charges & not advertisement charges

Mem to IG) sen
15/10/49

18/10/49

OFFICE OF THE DISTRICT LOCAL GOVERNMENT
1760
18/10/49

Interest may be recovered at 6% from the date it became due upto 13-8-49 on which date the parties offered their bid amount with interest but the president has refused to recover as disclosed in their petition

As regards the other incidental charges a lumpsum amount of Rs 50/- may be recovered from each party & the matter closed

SECTION TO OUT OF MY HAND
Date 19/10/49
GENERAL APPEALS

18/10/49

sen
19/10/49
Dft letter attached.

19/10/49

2315
L

Submit with a draft letter and an endt for appl
WKS
21/10
JN

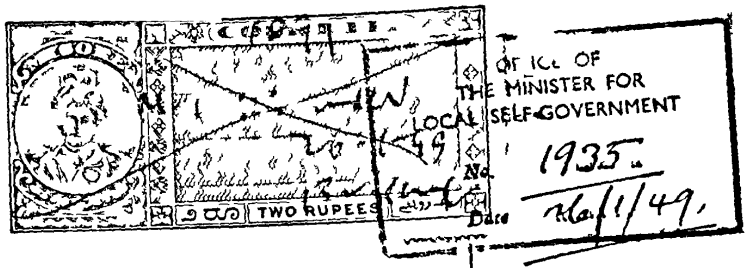
Issue advice
news in Vol Officers may be returned
21/10/49

To The Dy. Comm, Kolar Dt
No L 2422 Dy 21-10-49
Issues instructions in the matter

To (1) Sri K S Srikantayappa,
Chintamani
(2) K S Aswathanya
Chintamani
No L 4424 & 4425 Dy 21-10-49
States that necessary orders have been issued to the D C Kolar Dt & that he may approach that officer

B
25/4

5506 /M
27/1 /



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE BANGALORE

Appellant:- K S Subbarayappa, son of K S Sivaramiah
aged 65 years, Vysya, Chintamani Town,
Kolar District

The appellant abovenamed begs to prefer this appeal against the Order of the President of the Municipal Council, Chintamani Town, cancelling the public auction of a Shop Site measuring 13 X 25 feet in Chintamani Town and advertising a fresh sale of the same for the following among other grounds:-

1 That the Town Municipal Council advertised for sale 30 sites each measuring 13 X 25 feet in Chintamani Town on 10-1-49

2 That the appellant was the highest bidder for site No 28 for Rs 4570/- and his bid was accepted and the appellant deposited Rs 1142-8-0 being the ¼th of the Sale Price

3. That the appellant went to deposit the balance of the amount, i e Rs 3472-8-0, on 18-1-49 The President refused to receive the amount saying that there was delay in crediting the balance

4 That the appellant did not wantonly delay the payment He wanted to credit the amount on 17-1-49 Since his son Y S Aswathiah who also had to deposit the money in respect of sale of site No 29 was expected from Bangalore to which place he had gone did not come that day and

and since one of the other bidders also told him that the amount could be deposited the next day The appellant thought that he and his son might deposit the respective amounts together and kept quiet thinking that he might deposit the amount the next day

5 That the appellant felt very much for the refusal of the amount by the Municipal President The appellant feels that his refusal is due to the enimity between himself and the Municipal President There are instances where the amounts in respect of auction sales were received late and the sales have been confirmed and recommended even in the present sales there are cases in which monies have been received and credited late and yet the sales have not been cancelled

6 That the unicipal President does not seem to have put the matter before the Municipal Council and appears to have acted arbitrarily having illwill against the appellant

7 That there is no reason to refuse to receive the entire balance on the 18th of this month The Municipal Council would not have suffered any loss nor has it suffered any loss by reason of the appellant not depositing the amount on 17-1-49 He has made every endeavour to come and pay the amount called for and made every arrangement in this connection, failed

8 That the President should have excersised his discretion in favour of the appellant and received the amount, subject to the approval of the Municipal Council, since the delay was unintentional and negligible and there was no fatal defect or loss to the Council and later on to the Government refused the matter

9 That the Municipal President having refused to receive the amount should have taken notice of the draft for Rs 3427-8-0, on the Vysya Bank, Ltd Chintamani, sent by the appellant and stayed the alleged cancellation of the sale and the auction of the site on 31-1-49

10 That even now the amount is sent to the Municipal Council and it is strange that the president has issued the accompanying notice which among other things states

states that the ¼th of the sale amount deposited, i e Rs 1142-8-0 would be forfeited

11 That it is entirely unjust and illegal for the Municipal President to have refused to receive the amount tendered and then to have cancelled the same passed Orders for forfeiture and resale of the site even without the Municipal Council meeting so far as the appellant's knowledge goes

12 That the appellant suffers material injury on account of the cancellation of the sale which has brought the appellant lower in the estimation of the people and also on account of the forfeiture of the earnest money of Rs 1142-8-0, which is not a small sum

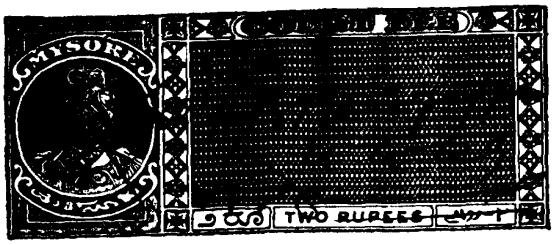
13 That the decision of the Municipal President is improper, illegal and against the weight of evidence probabilities of the case and the decision deserves to be cancelled

14 That the appellant is ready and willing to deposit the amount immediately (Which he has already done) and therefore there will be no loss to the Municipal Council in the event of upholding the sale in his favour

Wherefore the appellant humbly prays that in the interest of justice and fairplay, the Government may be pleased to call for the records and after hearing and perusal of the records cancel the decision of the president and confirm the sale in favour of the appellant after receiving the balance of the sale amount In any event the order of forfeiture may kindly be cancelled and the earnest money refunded to him in case the sale is not confirmed, as otherwise irrepearable injury and material loss will be caused to the appellant

Bangalore City
Date 24.4.49

Appellant



4

Before the Minister for Local Self-Government

~~In the Court of the~~

at Bangalore

No L 11037 of 1948-1949

Appellant ~~*Plaintiff*~~ *Petitioner*		*Respondent* ~~*Defendant*~~ *Opponent*
K S Aswathaiah	**Vs**	The President The Town Municipality Chickmagalur

On 14/5/49

VAKALATNAMA

Executed by The Respondent

In favour of ~~Mr. H. Lakshmana Swamy, B.A., B.L.~~ Advocate Bangalore City

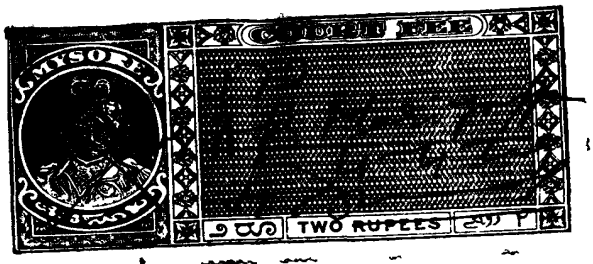
I/We Respondent do hereby appoint and retain Mr H Lakshmana Swamy Advocate to appear for me in the above appeal Suit Miscellaneous Petition Case and to Conduct and Prosecute Defend and Compromise the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I/We empower my Advocate to appear in all Miscellaneous proceedings in the above suit or matter till all decrees orders are fully satisfied or adju ted and to obtain the return of the documents and draw any moneys that might be payable to me/us in the said suit or matter I/We also undertake to confirm and ratify all the legal acts done by the said Advocate or his proxy in so doing

No Agency Duty

Personally known to me and
Signed in my presence
H B Manjappa

BANGALORE
Date 4/4/49.

Accepted
H B Manjappa
Advocate for Respondent



5-

Before the Minister for Local Self governme

~~In the Court of the~~

at Bangalore

No L 11042 **of 19 -19**

Appellant ~~*Plaintiff, Petitioner*~~		~~*Defendant, Opponent*~~ *Respondent*
K S Subbarayappa	**Vs**	The President The Town municipality Chunchanam

VAKALATNAMA

Executed by The Respondent

In favour of **Mr H Lakshmana Swamy B A B L** Advocate Bangalore City

I/~~We~~ ~~respondent~~ do hereby appoint and retain Mr H Lakshmana Swamy Advocate to appear for me in the above appeal Suit Miscellaneous Petition Case and to Conduct and Prosecute Defend and Compromise the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I/We empower my Advocate to appear in all Miscellaneous proceedings in the above suit or matter till all decrees orders are fully satisfied or adjusted and to obtain the return of the documents and draw any moneys that might be payable to me/us in the said suit or matter I/We also undertake to confirm and ratify all the legal acts done by the said Advocate or his proxy in so doing

Rc 14/5/49

Mc Agy ccc Rec

Personally known to me and
Signed in my presence

A B Manappa

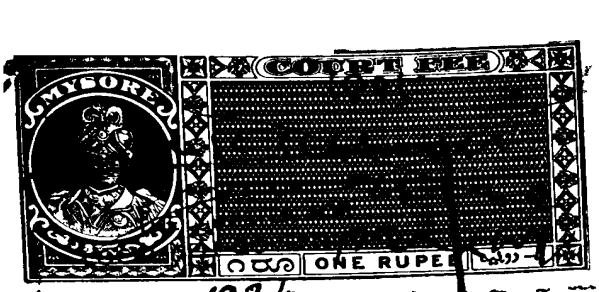
BANGALORE
Date 4/4/49

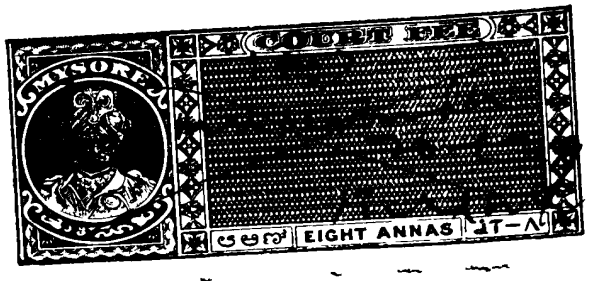
Accepted

A B Manappa

Advocate for Respondent

5502/[illegible]
2711





6

No 1934

Date

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA
OF MYSORE, BANGALORE

Appellant:- K S Subbarayappa, son of K S Sivaramiah, aged 65 years, Vysya, Chintamani Town, Kolar District

Rest in person through a counsel at 3-30 P M

The appellant abovenamed begs to state as follows:-

1 The appellant has today preferred an appeal against the order of the President, Town Municipal Council, Chintamani

2 That the order of the president cancelling the sale and ordering resale is patently illegal and improper by reason of the fact that the amount was offered on 18-1-49 alone and the same has been sent by means of draft

3 That the resale has been ordered of the site after forfeiture of the earnest money of Rs 1142-8-0 and the sale takes place on 31-1-49

4 That if the sale takes place pending the decision of this appeal, then the interest of 3rd parties may arise and the question will be more complicated, besides the appellant having to lose the earnest money and also the site which he has purchased for a heavy price

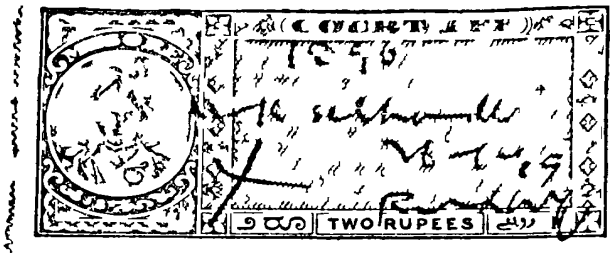
5 That if the sale is stopped no loss or injury will be caused to the Municipality

It is therefore just and necessary that pending the decision of this appeal, further proceedings in respect of Shop Site No 28 of Chintamani Town may be stayed by the Government

Appellant

Bangalore City
Date 26/1/49

K Ramaswamy Chetty
Advocate for Appellant
26/1/49



In the Court of the Government of His Highness the Maharaja of Mysore

BANGALORE

Suit No of 1948-1949.

Plaintiff / Appellant
Petitioner / Complainant

K S Subbarayappa

Vs

Defendant / Respondent
Counter Petitioner / Accused

I the appellant do hereby appoint and retain **K Shamaraja Iyengar, B A** and K Seshan, B Sc LL B,

ADVOCATE 72 CHICKPET BANGALORE CITY

to appear for me in the above suit / Original / Miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me in the said suit or matter

Accepted

K Shamaraja Iyengar

K Seshan

ADVOCATE
72 Chickpet
Bangalore City

Dated 26 / 1949

Personally known to me and signed in my presence

26 / 49

B G A P W 1 B City

8

Before the Government of His Highness Maharaja

[illegible]

Appellant [illegible] aged 65 years Vijaya Chintamani Krishna District

The appellant has come to appeal against the decision of the Collector of Chintamani [illegible] sale of house sites measuring 13 30 feet in Chintamani Town and advertising a fresh sale of the same for the following among other grounds -

1 That the Town Municipal Council advertised for sale 30 sites each measuring 13 30 feet in Chintamani Town on 10-2-49

2 That the appellant was the highest bidder for site No 28 for a sum of Rs 570/- and his bid was accepted and the appellant accordingly Rs [illegible] being [illegible] sale price

3 That the appellant went to deposit the balance of the amount i.e. Rs 3174-0-0 on 18-2-49 The President refused to receive the amount saying that there was delay in crediting the bid amount

4 That the appellant was not wantonly delay the payment as wanted to credit the amount on 17-2-49 Since his son [illegible] Subramaniam who also had to deposit the money in respect of sale of site No 29 was expected from Bangalore by Which Place he had gone, did not come that day and

and since ere of the other bidders also told him that the amount could be recovered the next day. The appellant thought that he and his son might deposit the respective amounts together and kept quiet thinking that he might deposit the amount t e r t ay

5 That the appellant felt very much over the refusal of the amount by the said notice and decided to file an appeal for this that his refusal was due to the enmity between himself and the Chief Minister and other instances where the amounts in respect of auction sales were received late and the sale was confirmed and recommended even if the pre e t s les t ere one week in which monies have been received and credited late and yet the sales have not been cancelled

6 That the Municipal President does not seem to have put the matter before the Municipal Council and appears to have acted entirely on his own ill will against the appellant

7 That the Municipal President was not entitled to refuse to receive the entire amount of Rs. 3,000/- on the 17th. The Municipal Council would not have authorised any refusal by the President nor has it authorised any refusal by reason of the appellant not depositing the amount on 17-1-45

8 That the President should have exercised his discretion in favour of the appellant and received the amount, subject to the approval of the Municipal Council since the delay was unintentional and excusable and there was no fatal defect or loss to the Council and it could easily have refunded the matter to the appellant

9 That the Municipal President should not have refused to receive the amount should have taken notice of the draft for Rs. 3427/- on the Vysya Bank Ltd. Chintamani sent by the appellant and stayed the alleged cancellation of the sale after the auction of the site on 31-1-45

10 That even now the amount is sent to the Municipal Council and it is a matter that the President has issued the above serving notice which [illegible] other things stop as

stat s that the 4th of the sale amount deposited, i e
Rs 1142-8-0 would be forfeited 10

11 That it is entirely unjust and illegal for the Judicial Presidents have refused to receive the amount tendered and to have cancelled the sale passed Orders for forfeiture and resale of the site very well knowing the financial difficulties to which as far as the appellant's knowledge goes

12 That the appellant suffers material injury on account of the cancellation of the sale which has brought the appellant lower in the estimation of the people and also on account of the forfeiture of the earnest money of Rs 1142-8-0 which is not a small sum

13 That the decision of the Judicial President is however, illegal and against the weight of evidence [illegible] case and the Board is competent to decide it

14 That the appellant is ready and willing to deposit the amount mentioned (which is already done) and therefore there will be no loss to the Judicial Council if the sale is confirmed in the appellant's favour

Wherefore the appellant humbly prays that in the interest of justice and fairness, the Government may be pleased to call for the records and after hearing and perusal of the records cancel the decision of the Board and confirm the sale in favour of the appellant either by giving the whole or part of the amount In any event the order forfeiting may kindly be cancelled and the earnest money refunded to him in case the sale is not confirmed as otherwise irreparable injury and material loss will be caused to the appellant

Bangalore City
Date 28/1

20
Appellant

5994/M
9/2

Office of the Minister for Local Self Government
No 2029
Date 9-2-49

5505

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE BANGALORE

APPELLANT:- K S Subbarayappa, General Merchant
Chintamani

File This along with the appeal petition
4/2/49

The appellant abovenamed begs to submit as follows in continuation of the appeal memo filed on 26-1-49, against the Order of the president Town Municipal Cowncil, Chintamani -

Genl Secy
4/2

1 That the Draft No 31/49 for Rs 3427-8-0 on the Vysya Bank at Chickballapur which the appellant had sent on 20-1-49 to the president Town Municipal Council Chintamani has been returned to the appellant with an endorsement which is herewith filed

2 The fact of the appellant having sent the above said amount through draft on the refusal of the President to receive cash tendered by the appellant has been mentioned in para 9 of the appeal memo

3 That since the draft has been returned the appellant is compelled to have it cashed himself, as he cannot endorse the same to others

4 The endorsement filed will prove the bonafides of the appellant for having sent the money

5 That the appellant undertakes to deposit ready cash whenever demanded by this Hon'ble Court to the extent of the amount sent through the draft

Wherefore the appellant prays that he may be allowed to encash the draft and realise the money and have it ready for being deposited whenever directed to do so by this Hon'ble Court

K Seshan
Advocate For Appellant

Bangalore City
Date : 4 2 49

O C No 127/48-49
Enc one Draft for Rs 390/-

Office of the President
Town Municipal Council,
Chintamani dated 22nd Jan 1949

/2

ENDORSEMENT

With reference to his application dated 20-1-49 sent along with the Chikballapur Vysya Bank draft No 30/49 dated 20-1-49, Sri K S Aswathiah son of Sri K S Subbarayappa Chintamani is hereby informed that his request cannot be complied with and the draft No 30/49 dated 20-1-49 for Rs 3 390-0-0 is herewith returned as the same cannot be accepted contrary to the conditions of the sale notification

Further he is informed that the resale of the said site will be held on 31-1-49 and the same has already been notified

PRESIDENT
29/1

To, The Inspector 1852/27-1-49 Copy ~~1852/27-1-49~~

The Dy Comm Kolar Dt,

13

Sir,

I am directed to forward herewith a petition in original dy 26-1-49 received from Sri K S Subbaraya Reddy, son of Sri K S Swaramma, Chintamani Town, appealing against the orders of the Pdt, Town mcl, Chintamani in cancelling the sale of the sites purchased by him in the auction sale held on 10-1-49 and to request you to forward immediately a detailed report in the matter.

Pending the receipt of final orders in the matter, further proceedings may be stayed.

Yours faithfully

for Secy to Govt

Addl Dy Secy to Govt

8553

Memorno L ~~8550~~ 27-1-45.

27-1-45

Copy of the above is forwarded with compliments to the Addl. Foreign Secy. Chintamani for information and guidance

By order

for Secy to Govt

Home Dept

8554

L ~~8554~~

27-1-45

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L8552

General and Revenue Secretariat

Dated Bangalore 27-1- 1945

/5

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore

Gereral Department

To

The Deputy Commissioner,
Kolar District

SIR

I am directed to forward herewith, in original, a petition dated 26th January 1949 received from Sri K S Subbarayappa, son of Sri K S Sivaramiah Chintamani Town, appealing against the orders of the President, Town Municipal Council, Chintamani, in cancelling the sale of site No 28 purchased by him in the auction sale held on 10th January 1949 and to request you to forward immediately a detailed report in the matter

Pending the issue of final orders in the matter, further proceedings in this behalf may be stayed

The petition sent in original may be kindly returned with the report

Yours faithfully,

Sd/- Mir Safdar Hussain,
Secretary to Government,
General Department

Memo No L8553 dt 27-1-45

Copy of the above is forwarded, with compliments, to the President, Town Municipal Council, Chintamani, for information and guidance

By Order,

For Secretary to Government
General Department

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 27-1-49

No L 8552

16

ENDORSEMENT

Granted to Sri K S Subbarayappa, son of Sri K S Sivaramiah, Vysya, Chintamani Town, Kolar District

---

In reply to his petition dated the 26th January 1949, appealing against the order of the President, Chintamani Town Municipal Council, in having cancelled the sale of site No 28, to him in the auction held on 10th January 1949 etc , the petitioner is informed that stay orders have been issued in the matter, pending receipt of report called for from the ~~President~~ Deputy Commissioner, Kolar District

By Order,

For Secretary to Government,
General Department

No

No A5 LB 1147/48-49 OFFICE OF THE DEPUTY COMMISSIONER
Encl records KOLAR DISTRICT

Dated Camp Oorgaum, 14th Feb '49

6284

To

The General Secretary to Government
of Mysore, Bangalore

SIR

With reference to your letter No L 3552 dated 27-1-1949, I have the honour to forward herewith the file of records received from the President, Town Municipal Council, Chintamani, with his report No O C 127/48-49 dated 6/2/1949 The report is quite explanative and covers all the points raised

The appeal petition filed by Sri K S Subbarayappa of Chintamani together with the remarks of the Municipal President (letter referred to above) is also enclosed

Yours faithfully,

14/2/49

Deputy Commissioner,
Kolar Distt

5 Chits

L 10L40
15/3/49

~~Endorsement granted~~ 18

To Sri K S Subbarayappa,
Son of Sri K S Swaramma,
Chintamani Town

—

With reference to his Petn dt 26-1-49 appealing against the orders of the Dt of the ~~Collr~~ Chintamani Dt cancelling the sale of site No 28 purchased by him in the auction sale held on 10-1-49, Sri Subbarayappa is informed that the Minister for L S will hear the case at 3 30 P M on Wednesday the 23rd March ~~23-3-49~~ in his Chambers in the Ooty Public Offices,

Bangalore

By order

for Secy to Govt

Memo no L 102 F 1 - 3 dt 15/3/49

Copy of the above is forwarded ~~to the Complainants~~ to Sri K Shamaraya Iyengar, B A., Advocate, 72, Chickpet, Bangalore City for information

By order

for Secy to Govt

Copy to
1) The D C, Kolar with Copy of Petn
2) The Addl Town Plng Officer Chintamani

By order
15 3 49

for Secy

Notice L11042 Secy
25/3/49

To, Sri K S Subbarayappa
Son of Sri K S Swaramiah
Chintamani Town

In contn of this office notice no L 10280 dt 15-3-49, Sri ~~Subbarayappa~~ Subbarayappa is informed that his Petn appealing against the orders of the Asst Commr Chintamani, Cancelling the sale of site no 28 purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3 P M on Monday the 4th April 1949 in the Chambers of the Minister for R & C, in the Public offices, Bangalore

By order &
for Secy to Govt

Memo no L 11043 dt 25/3/49

Copy of the above is forwarded to Sri K Shamaraya Iyengar, B A, Advocate, 72,

Chief Supt, Pangalore Copy for information in Contn of memo no R 10281-3 dt 15/3/49

21

By order

for

Ag for Gl Secy to Govt

Memo no L 11044-5 dt 25-3-49

Copy of the above is forwarded with Compliments to the Dy Comm, Kolar Dt

Pdt, Tommelee, Chintamani

for information in cont. of memo no L 10281-3 dt 15-3-49

By order

for

for Secy to Govt

Ag Gl Deptt

No. L11042 — GENERAL AND REVENUE SECRETARIAT.
Dated, Bangalore, the 25-3-49

292

NOTICE.

Sri.P.S.Subbarayappa,
Son of Sri.K.S.Sivaramiah,
Chintamani Town.

In continuation of this office Notice No.L.10280 dated 15th March 1949, Sri.Subbarayappa is informed that his petition appealing against the orders of the President Town Municipal Council, Chintamani, cancelling the sale of site No.28 purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3 P.M. on Monday the 4th April 1949 in the chambers of the Minister for Local Self Government, in the Public Offices, Bangalore.

By Order,

Sd. Mir Safdar Hussain.

Secretary to Government,
General Department.

Memo No L 11043 dt 25-3-49

Copy of the above is forwarded to Sri.K.Shamaraja Iyengar, B.A., Advocate, 72, Chickpet, Bangalore City f

23 for information in continuation of memo No L.10231-3 dated 15-3-49.

By Order,

For Secretary to Government,
General Department.

Notice L 11542 / 9/4/49 Copy

24

To, Sri K S Subbarayappa,
son of Sri K S Swaramiah
Chintamani Town

In continuation of this office notice no L 11042 dt 25-3-49, Sri Subbarayappa is informed that his Petn appealing against the orders of the Pdt, Town mcl, Chintamani, Cancelling the sale of Site no 28 Purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3 P M on Saturday the 16th April 1949, in the Chambers of the Minister for L S Gs in the Public offices, Bangalore

By order
Asst to Secretary to Govt

Memo no L 11548 - dt 9 4 49

Copy of the above is forwarded to Sri K Shamaraya Iyengar, B A.,

Advocate, 72, Chickpet, Bangalore city for information in continuation of Memo No L 11043 dt 25-3-49

By order

for Sec to Govt

Memo No L 11549-50 dt 9-4-49

Copies of the above are forwarded with Compliments to the Deputy Comm, Kolar & Dist Town Asst, Chintamani for information in continuation of Memo No L 11044-5 dt 25 3 49

By order

for Sec to Govt

Sec to Govt Genl Dept

8-4-49

GENERAL & REVENUE SECRETARIAT,
Dated, Bangalore, the 9 4 49

No. L 11547

26 f

NOTICE

Sri. K.S Subbarayappa,
Son of Sri K.S Sivaramiah
Chirtamani Town

In continuation of this office Notice No L.11042 dated 25th March 1949, Sri. Subbarayappa is informed that his petition appealing against the orders of the President Town Municipal Council, Chirtamani, cancelling the sale of site No.28, purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3 P.M. on Saturday the 16th April 1949, in the Chambers of the Minister for Local Self Government in the Public Offices, Bangalore.

By Order,

Sd. Safdar Hussain

Secretary to Government,
General Department

Memo No L. 11548 & 9 4 49

Copy of the above is forwarded to Sri K Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City for

2/25 information in continuation of memo No L 11043-1 dated 25-3-49.

By Order,

Sd Mir Safdar Hussain

Asst Secretary to Government,
General Department.

Memo No L 11044-50 dated 4-4-49

Copies of the above are forwarded with compliments
to the Deputy Commissioner, Polar District
President, Town municipal council, Chintamani
for information in continuation of Memo No L 11044-5
dated 25-3-49.

By Order,

For Secretary to Government,
General Department.

5 Copies

Notice L 11343 21-4-49 28

K S Subbarayappa
Son of Sri K S Swaramma
Chintamani

In Contn of this office Notice No L 11547 & 9-4-49, Sri Subbarayappa is informed that his petn. appealing against the orders of the Addl, Town Asst, Chintamani, Cancelling the sale of site No 28, purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3 30 P M on Saturday the 14th May 1949, in the Chambers of the Minister for L S & in the Public offices, Bangalore

By order
for
Asst to the Secy to Govt

Memo No L 11344 & 21-4-49
Copy of the above is forwarded to Sri K Shamaraya Iyengar, Advocate, 72, Chickpet, Bangalore city for

information in Continuation Memo No L 11548 Dy
9-4-49
29

By order

for gl secy to Govt

Memo No L 12325-1 Dy 25 4-49

Copies of the above are forwarded with Compliments to the Deputy Commr, Kolar District
Pdt, Town Municipal Council, Chintamani

for information in Continuation Memo
L 11549-50 Dy 9-4-49

By order

for gl secy to Govt
Por
21 April 49

No. L 12323 GENERAL & REVENUE SECRETARIAT,
Dated, Bangalore, the 15th April 1949

30
1/2

NOTICE.

To

Sri.K.S.Subbarayappa,
Son of Sri K S.Sivaramiah,
Chintamani

In continuation of this office Notice No L.11547 dated 9.4.49. Sri.Subbarayappa is informed that his petition appealing against the orders of the President, Town Municipal Council, Chintamani, cancelling the sale of site No.28, purchased by him in the auction sale held on 10-1-49, is posted for hearing at 3-30 P.M. on Saturday the 14th May 1949, in the chambers of the Minister for Local Self Government in the Public Offices, Bangalore.

By Order,

Sd. Mir Safdar Hussain.
Secretary to Government,
General Department.

Memo No L. 12344 & LS 4469

Copy of the above is forwarded to Sri.K Shamaraja Iyengar, B.A., Advocate, 72, Chickpet, Bangalore City

for information in continuation of memo No.L 11548 dated 9.4.1949.

By Order,
Sd Mir Safdar Hussain.

Secretary to Government,
General Department.

Memo No L 12325-6 dt. 25-4-49

Copies of the atove are forwarded with compliments to the President, Town Municipal Council. Chintamani for information in continuation of memo No L 11549 dated ~~4x9x~~ 4.1949.

By Order,

For Secretary to Government,
General Department.

Ro. L.R.O.S.O. CENTRAL ASSESSMENT SECRETARIAT,
Dated, Bangalore, the 10-5-49

NOTICE.

Sri K S Subbarayappa,
Son of Sri K S Sivaramiah,
Chintamani

The petitioner is informed that his case regarding site will be taken up for hearing at 1 p.m. instead of at 3 p.m. on Saturday the 14th May 1949.

By Order,

Sd/- Mir Sefdar Hussain,
General Secretary to Government

Memo No 4305-1 (10/5/49)

Copy of the above is forwarded to Sri.K. Shamaraja Iyengar, B.A., Advocate, 72, Chickpet, Bangalore City, for information.

By Order,

Sd/- Mir Sefdar Hussain,
Gereral Secretary to Government

Memo No 3052-3 10/5/49

Copyes of the above ~~is~~ are forwarded, with compliments, to the D C Kolar Dt / Dpt, Town Mncl, Chintamani

By Order,

for Gereral Secretary to Government

GENERAL AND REVENUE SECRETARIAT. 33

No. L13695 Dated, Bangalore, the 23-5-49

NOTICE.

Sri K S Subbarayappa,
Son of Sri K S Sivaramiah,
Chintamani

The petitioner is informed that his case regarding site No.28 is posted for hearing at ~~Office~~ 2-30 P.M. on Friday the 27th May 1949.

By Order,

Sd/- Mir Safdar Hussain,
Gereral Secretary to Government

Memo No. L13696 d 23 5 49

Copy of the above is forwarded to Sri K. Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City, for information

By Order,

Sd/-/# Mir Safdar Hussain
General Secretary to Government

Memo No L13697-8/23/5-

Copies of the above are forwarded, with compliments, to the D C Kolar St/Odt Town mcl Chintamani for information By Order,

(Draft) for General Secretary to Government

GENERAL AND REVENUE SECRETARIAT.

No. L 14250 Dated, Bangalore, the 8/6/49

NOTICE.

Sri K S Subbarayappa,
Son of Sri K S Sivaramiah,
Chintamani

The petitioner is informed that his case regarding site No 28 is posted for hearing at 3 P.M. on Wednesday the 15th June 1949.

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government.

Memo No L 14251 8/6/49

Copy of the above is forwarded to Sri P Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City, for information

By Order,

Sd/- Mir Safdar Hussain,
General Secretary to Government

Memo No L 14252-3 8/6/49

Copy of the above are forwarded, with compliments to the Dy Commr, Urban/Dist Town Council, Chintamani for information

By Order,

for General Secretary to Government

General and Revenue Secretariat,

No.L 14555 Dated, Bangalore, the 21-6-69

NOTICE

35

Sri K S Subbarayappa,
Son of Sri K S Shivaramaiya,
Chintamani

The petitioner is informed that his case regarding site No 28 is posted for hearing at 3 P.M. on Monday the 11th July 1969.

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government.

Memo No. L14556 dt 21-6-69

Copy of the above is forwarded to Sri.K.Shamaraja Iyengar, B A , Advocate, 72 Chickpet, Bangalore City, for information.

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government.

Memo No L14557 dt 21 6-69

Copy of the above is forwarded to Sri A B Mariappa, B A , LL B , Advocate Bangalore City, for information

By Order,

Sd/- Mir Safdar Hussain,

General Secretary to Government

Memo No L14558-9

Copy of the above are forwarded, with compliments to the Dy Comm, Urban Dt/ Addl, Town Mcl, Chintamani

By Order,

for General Secretary to Government

L 9823 d 22.2.49

To The Dpty,
Townmcl. Chintamani

36

Sir,

I am directed to invite reference to your letter no C 127/48-49 d 6-2-49 addressed to the Dy Comm. Kolar Dist on the matter of the resale of shop site no 28 in the town, and to request you to forward a copy by return of post of the sale notification as it has not been received along with the records received from the Dy Comm, Kolar Dt

Yours faithfully
for
Vlg for gl secy to Govt
22/2

O C No 127 dated 49 Int 67-48-93 6555/ml

Office of the Preside
Town Municipal Counci
Chintamani
Dated the 24th Feb 37

TO,

The Secretary
to the Government of His Highness the Maharaja of
General Department
BANGALORE

SIR

In obedience to your letter No I 9823 dated 22-2-49 cal for the sale notification of resale of shop sites Nos 1 to 23 I have the honour to enclose herewith the sale notifications called for for information and reference

Yours faithfully

PRESIDENT

• O C No 127 dt 8 49 Rev 3 Rev 67-48-93

6555/ML

Office of the President
Town Municipal Council
Chintamani
Dated the 24th Feb 1949

37

TO,

The Secretary
to the Government of His Highness the Maharaja of Mysore,
General Department
BANGALORE

SIR

In obedience to your letter No L 9823 dated 22-2-49 calling for the sale notification of resale of shop site No 23 I have the honour to enclose herewith the sale notifications called for for information and reference

Yours faithfully

PRESIDENT

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 38

General and Revenue Secretariat

No L 9823 *Dated, Bangalore* 21-2-1949

FROM

The *Secretary to the Government of*
His Highness the Maharaja of Mysore
General Department

To

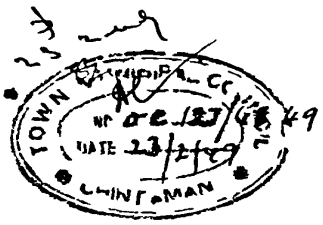
The President,
Chintamani Town Municipal Council

Sir,

I am directed to invite reference to your letter No O C 127/48-49 dated 6th February 1949 addressed to the Deputy Commissioner, Kolar District, from forwarding a report in the matter of the resale of shop site No 28 in the town and to request you to forward by return of post, a copy of the sale Notification as it has not been received along with the records received from the Deputy Commissioner, Kolar District

Yours faithfully,

For Secretary to Government
General Department



I draft

By copy. To

39

The Deputy Commissioner,
Polar District

Sir, L1442/Rh. 67-48-94. dt 8.49

With reference to your letter No A5 c 1146/48-49 dated 23rd February 1949 forwarding a report on the petition of ~~Sri I.S.Aswathaya~~ ----------, ~~Sri I.S.Subbaraya~~ of Chintamani, appealing against the orders of the President, Town Municipal Council, Chintamani, cancelling the sale of site No ~~29~~/28 purchased by him in the auction sale held on 10th January 1949, I am directed to state that, after going through the records and ~~f~~ hearing the arguments adduced by the parties in the case and taking into consideration the circumstances under which delay of one day was caused in the payment of the balance of the bid amount, the Government are inclined to take a liberal view of the case. They are accordingly pleased to set aside the cancellation of the sale and to confirm the sale of the site in favour of the Petitioner, subject to the condition that the Petitioner shall pay to the Municipality the balance of the bid amount with interest at 6% till the date of ~~the~~ payment ~~The~~ Government further direct that the Petitioner shall pay to the Municipality the cost incurred by it for conducting this case within fifteen days from the date of the Government order

by the petitioner

K

Yours faithfully,

3/7/49

General Secretary to Government

Memo No L 1443/Rh- dt 2/8/49

Copy of the above is forwarded with compliments to the President, Town Municipal Council, Chintamani for information

By Order,

For General Secretary to Government

II draft 40

Apptts — 1444/Rev 67-48-95 a 1845

Endorsement Granted to (1) (Sri K S Aswathaiva) / Sri K S Subbarayappa

---

Chintamani

With reference to his petition before Government dated 20th January 1949 in the matter of the sale of site no 29/28 at Chintamani, the Petitioner is informed that orders have issue confirming the sale of the site in his favour. He should pay the balance of the bid amount immediately with interest at 6% up to the date of payment and also pay the charges incurred by the Chintamani Town Municipal Council in the conduct of the case within a period of fifteen days from the date of the Government Order

By Order,

for General Secretary to Government

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L1444/XL67-4895 *Dated Bangalore* 2-8- 1949

ENDORSEMENT

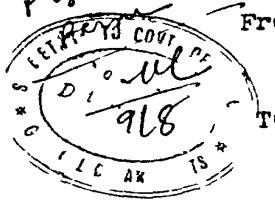
Granted to Sri K S Subbarayappa, Chintamani.

With reference to his petition before Government dated 26th January 1949 in the matter of the sale of site No. 28 at Chintamani, the Petitioner is informed that orders have issued confirming the sale of the site in his favour. He should pay the balance of the bid amount immediately with interest at 6% upto the date of payment and also pay the charges incurred by the Chintamani Town Municipal Council in the conduct of the case within a period of fifteen days from the date of the Government order.

By Order,

For General Secretary to Government.

42



From K S Subbarayappa,
Merchant, Chirtamani

Date 9th Aug 1949

To

The Secretary to Government,
General Department, Govt of Mysore,
Bangalore

Dear sir,

Re Endorsement No
dated 2nd August 1949

I beg to acknowledge the receipt of the above reference and noted the contents therein

I beg to state that the said endorsement directs me to deposit the balance of bid amount together with interest at 6% upto the date of payment and also pay the charges incurred by the Chintamani Town Municipal Councilin the conduct of the case in respect of site No 28 at Chintamani

I beg to state that as per the said endorsement, I am asked to pay interest I submit that there is only a day's delay in payment of the balance of bid amount to the Municipality On account of this delay, the Municipal Council refused to accept the amount sent by me for which I am now penalised to huge interest I was ready to pay the amount, all these days Therefore, I request that interest may kindly be charged for one day delay only

p t o

Further the endorsement does not state the amount of costs that I have to pay I have every fear that the Municipal Council may fix a large amount of costs also I, therefore, request that the costs also be fixed by your goodself reasnably Further I may bring to your kind notice, that even in Revenue sales no interest is charged, but only a nominalcompensation is given to successful bidder The same method may kindly be adopted in this case also and I may be given further endorsement in all the above matters, so that I may deposit theamount immediately without any further delay

Thanking you,

Yours faithfully,

(K S Subbaryappa)

Office of the President,
Town Municipal Council,
Dated 19-949, Chintamani
30

H C 15/49-50
Enc, 4

To

The General Secretary,
To the Government of Mysore,
B A N G A L O R E

Sir,

With reference to your letter No L 2191 dated 23-8-49 regarding the acceptance of the balance of the bid amount from Sriyuts K S subbarayappa and K S Aswathaiah for Sites Nos 28 & 29 respectively to the north of the sandy maidan pending final orders I beg to enclose here-with for your kind persual and submission to the Honourable Minister, Local Self-Government in Mysore Bangalore the petitions of the above two two said persons which were presente to me on 26-8-49 I have also here-in enclosed for ypur kind reference the bill of cost etc in each case

Inclusive of the cost the balance still due to be pai- by each of the two persons is noted in the enclosed bill As directed in your letter the drafts bearing numbers 1251/49 for Rs 3427-8-0 and No 1252/49 for Rs 3390-0-0 for Sites 28 and 29 respectively presented through the Deputy Commissioner have been accepted The balance of the amount has got to be paid by the auction purchasers as per kind G O No L 1143 dated 2-8-49 As directed by you tittle deeds will be issued to them as soon as the amounts are credited to the Municipality

Yours Faithfully

President
Towm Municipal Council,
Chintamani

Statement of costs etc due by Sri K S Subbarayappa in action purchased of Site No 28 near sandy in chintamani town on 10-1-49
Site No 28

SL NO	Items	Amount	Remarks
	Final bid amount	4570-0-0	
	Less deposits	1142-8-0	
	Balance	3427-8-0	
	Interest @ 6%	117-8-0	
	Law Charges	27-8-0	
	Advertisement Charges	22-8-0	
	T A Charges	25-0-0	
	Total	3620-0-0	
	Draft Amount	3427-8-0	
	Balance due	192-8-0	

~~Statement of cost~~

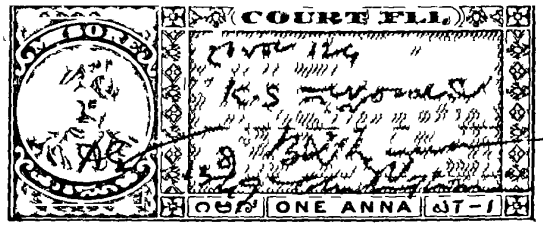
President,
Town Municipal Council
Chintamani

Statement of costs etc due by Sri K S Aswathiah Setty on purchase of Site No 29 near sandy in Chintamani town on 10-1-49

Site No 29

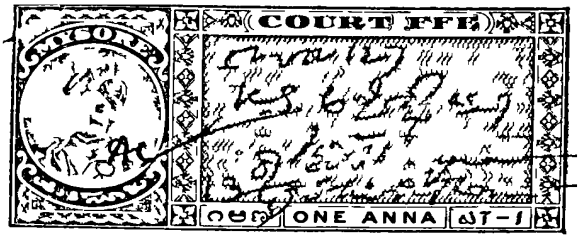
SL NO	Items	Amount	Remarks
2	Final bid amount	4520-0-0	
	Less deposits	11 0-0-0	
	Balance	3390-0-0	
	Interest	116-0-0	
	Law charges	27-8-0	
	Advertisement	22-8-0	
	T A Charges	25-0-0	
		3581-0-0	
	Draft amount	3390-0-0	
	Balance	191-0-0	

President
Town Municipal Council,
Chintamani



47

13 8 49



4-8

ಚಂಪಕಮಾಲಿ ಎಂಬ ಮಾಲಿಕಿಯ ಪ್ರೀತಿಪಾತ್ರರವರ

ಅನಾಮಿಕೆ

ನಮ್ಮೆ ಮಾನ್ಯ ನಮ್ಮಿಂದಿನ ಗಾಯಕ ಕುಲ ಸುಬ್ರಹ್ಮಣ್ಯಂ

ನ ಮಗಳಾದ ಕಲ್ಪಕ್ಷೇಮವ್ಯ ಬಿಡದೆಯುಂತ ಕಳಿಸಿ ಕೊಡಿ

ನಮ್ಮೆ ಮಾನ್ಯ ಸಂಗೀತ ಸೇವಾನಿರತ ಮುಂಬೈನಗರ ಸ್ವೀಕಾರ, ಹಾಗಾಗಿ

ಈ ಪತ್ರವನ್ನು ನಾವು ಸಲ್ಲಿಸುತ್ತಿರುವ ದಿನ 26 1 49ನೇ, ಆಗಿದೆ

ಸಂವಿಧಾನದಲ್ಲಿ ನಮ್ಮ ಸಲ್ಲಿಸುತ್ತಿರುವ ಈ ಪತ್ರವನ್ನು ಚಿರಸ್ಮರಣೀಯ

ಸಂವಿಧಾನ ಜಾರಿಯಲ್ಲಿರುವ ದಿನವೆಂದು ಪರಿಗಣಿಸಿ, ಮಾನವತೆ

ಸಾರ್ವಭೌಮತ್ವವನ್ನು ಪ್ರತಿಪಾದಿಸುವ ಸಂಕೇತವಾಗ

H C 15/49 50

Office of the President,
To n Municipal Council
Dated 19-949, Chintamani
To

Office of the Minister
for Local Self Government
No 614
Date 7.10.49

To

The General Secretary,
To the Government of Mysore
B A N G A L O R E

GENERAL & REVENUE SECRETARIAT
24605
7 OCT 1949
U/FA BRANCH

Sir,

2315

With reference to your letter No L 21 1 dated 20-8-49 regarding the acceptance of the balance of the bid amount from Sriyuts K S Subbarayappa and K S Aswathaiah for Sites Nos 28 & 29 respectively to the north of the Sandy maidan pending final orders I beg to enclose here-with for your kind perusal and submission to the Honourable Minister, Local Self Government in Mysore Bangalore the petitions of the above two two said persons which were presente to me on 26-8-49 I have also here-in enclosed for your kind reference the bill of cost etc in each case

Inclusive of the co[illegible] the balance still due to be paid by each of the two person is note in the enclose bill directed in your letter bearing numbers 125 / for Rs 3427-8-0, and No 125 /49 for Rs 33 8-0- for Site 28 and 29 respectively presented through the Deputy Commissioner have been accepted The balance of the amount has got to be paid by the auction purchasers as per kind G O No L 1143 dated 2-8-49 directed by you title deeds will be issued to them as soon as the amounts are credited to the Municipality

Yours faithfully

President,
To n Municipal Council,
Chintamani

Copy with Compliments to the personal Assisstant to the Honourable Minister for Local Self Government in Mysore Bangalore

Yes
Town Municipal Council
Chintamani

Appendix F (G—1]

SUBJECT

Draft

Section

File No

Serial No

Diary No of letter replied to

No L 2422 D 21-10-1949

W-R

To

The Dy Commr, Kolar Dt

Sir,

In continuation of this office letter No L1442/ml 6,7-48-94 D 2-8 49, Passing orders in regard to the sale & confirmation of sale nos 28 & 29 in favour of Srinivasa Rao & Subbaraya Appa Rao & Aswatham in the Chintamani Town, I am directed to state that interest may be recovered at 6% from the date it became due upto 13-8-49, the date on which the parties offered their bid amount with interest when the Pot of the ml cl is said to have refused to receive the amounts tendered by them. As regards the other incidental charges, a lumpsum amount of Rs 50/- may be recovered from each party.

The records are herewith returned

Yours faithfully

for

Water Cess Secretary to Govt

General and Pevenue Secretariat

( )

the 19

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 06171—GPB—30 000—4 6 49

5|

Memo no L 2422 dt 21-10-1949

Copy of the above is forwarded with Compliments to the Dist, Town Asst. Chintamani for his information with reference to the Correspondence ending with his letter no H 615/49-50 dt 12/30-9-1949

By order

21/X/49

for Sec'y to Govt

Appendix F G —1]

SUBJECT

Draft II

Section

File No

Serial No

Diary No of letter replied to

No

To Endt granted

L4424 To, (1) Sri K S Subbaraya Appa
Merchant, Chintamani

L4425 (2) Sri K S Aswathanya
Merchant, Chintamani

General and Revenue Secretariat

( )

the 19

In Continuation of this office endt no L1444/ml 7-48-95 dt 2-8 49 intimating that orders have been issued in regard to the sale & confirmation of Site no 28/29 in his favour, Sri Subbarayappa/Aswathanya is informed that necessary orders have been issued to the Dy Comm, Kolar &c in regard to the recovery of interest & other incidental charges & that he may approach that office in the matter

Date of issue

Signed by

By order

for

Under Secy to Govt

List of enclosures

Memorandum L 4426-7

Copied by

Copy sent to the Dc

Examined by

WD 06171—GPB—30 000—4 6 49

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No K 2422 *Dated Bangalore* 21-10-1949

53

FROM

The ~~Chief~~ Secretary to the Government of His Highness the Maharaja of Mysore
General Department, Bangalore

To

The Deputy Commissioner,
Kolar District

Sir,

In continuation of this office letter No L 1442/M1 67-48-94 dated 2nd August 1949, passing orders in regard to the sale and confirmation of site Nos 28 and 29 in favour of Sriyuths K S Subbarayappa and K S Aswathaiya in the Chintamani Town Municipality, I am directed to state that interest may be recovered at 6% from the date it became due ~~in~~ upto 13th August 1949, the date on which the parties offered their bid amounts with interest when the President of the Municipal Council is said to have refused to receive the amounts though tendered by them As regards the other incidental charges, am to add that a lumpsum amount of Rs 50/- may be recovered from each party

o/c The records received from you in both the cases

are herewith returned

Yours faithfully,

Sd/- A C Nirvani Gowda,
General Secretary to Government

Memo No h 2423 D 21-10-1949

Copy of the above is forwarded, with compliments, to the President, Town Municipal Council, Chintamani, for information with reference to the correspondence ending with his letter No H C 15/49-50 dated 19/30th September 1949

By Order,

General Secretary to Government

the z- 14 pages

Interchange - 53 pages